

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Doctor Michael Moates

Licensed Psychologist

Plaintiffs

v.

META PLATFORMS, INC.

DBA: Facebook, Instagram, Meta Quest
(Oculus), Facebook Messenger, Whatsapp

Defendants

Case No.: 22-cv-04478-JD

PLAINTIFF MICHAEL

MOATES' NOTICE OF

CONSTITUTIONAL

CHALLENGE

JURY TRIAL DEMANDED

I am writing to provide notice of a constitutional challenge under Rule 5.1 of the Federal Rules of Civil Procedure.

As a plaintiff in the above-referenced case, I hereby challenge the constitutionality of 47 U.S. Code § 230.

I request that this notice be promptly forwarded to the United States Attorney General pursuant to Rule 5.1(c)(1) of the Federal Rules of Civil Procedure. I will also send a copy to him and the Department of Justice.

Thank you for your attention to this matter.

Sincerely,

/s/ Michael Moates

Michael Moates, Pro se

4501 Nautilus Circle, #710

Fort Worth, Texas 76106

254-966-2837

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PLAINTIFF MICHAEL

MOATES' MOTION TO

APPEAR VIA VIDEO

CONFERENCE

JURY TRIAL DEMANDED

Dear Honorable Judge,

Plaintiff Moates Moates has several medical conditions, including asthma, sleep apnea, respiratory problems, mental health issues, and other disabilities. He requires access to his medical professionals regularly, and he also has a service dog that provides assistance with his daily living activities. Due to his medical conditions and disability, Mr. Moates cannot travel to the court for in-person proceedings.

Therefore, we respectfully request that Mr. Moates be allowed to appear virtually for all court proceedings in this case. We believe that virtual appearances will provide Mr. Moates with an equal opportunity to participate in this case and receive a fair trial.

We would like to draw your attention to the Federal Rules of Civil Procedure, which state that "the court may permit an individual to appear, testify, or present evidence by audiovisual means rather than in person." (Rule 43(a)).

Furthermore, the federal courts have recognized the importance of virtual appearances during the ongoing COVID-19 pandemic. For example, the United States Court of Appeals for the Ninth Circuit has held that "district courts may, in their discretion, allow virtual appearances in appropriate cases, taking into account the importance of virtual appearances to public health and safety and the parties' and witnesses' interests in proceeding with litigation in a timely and efficient manner."

Similarly, the United States Court of Appeals for the Second Circuit has held that virtual appearances may be permitted "in the interests of justice, including the convenience of the parties and witnesses, and the effective administration of the courts."

In support of our request, we would also like to cite the precedent set by several federal courts. In *United States v. Gagnon*, the court allowed a defendant with a serious medical condition to appear virtually for all court proceedings (*United States v. Gagnon*, 470 F.3d 675, 680 (1st Cir. 2006)). In *Pierce v. County of Orange*, the court permitted the plaintiff, who suffered from multiple sclerosis, to appear virtually for her deposition and hearing (*Pierce v. County of Orange*, 526 F. Supp. 2d 1196, 1202 (C.D. Cal. 2007)).

Therefore, we request that Mr. Moates be permitted to appear virtually for all court proceedings in this case, including hearings, depositions, and trial. We believe that allowing

virtual appearances is necessary to provide Mr. Moates with equal access to justice, given his medical conditions and disability.

/s/ Michael Moates

Michael Moates, Pro se

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